Office Memorandum - UNITED STATES GOVERNMENT

TO: Mr. Tolson

DATE: February 28, 1956

FROM: L. B. Nichols

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-30-90 BY [redacted]

SUBJECT: WARREN

With reference to Mr. Olney's memorandum dated February 28, 1956, instructing that among other things we cover the hearings at Florence, South Carolina, involving Clarence Mitchell and his associates, I wish to advise that I called on William Rogers. I pointed out that Olney instructed that we do this. I pointed out that we in the Bureau felt it was unwise; that we had taken the matter up with Caldwell and Caldwell was adamant. Then Olney called the Bureau and instructed that we cover the hearings. I told Rogers we had never objected to doing our duty; that it would appear that by our action in covering the hearings, we would in effect be placing the Bureau and the Department in the untenable position of supervising and overseeing a state judicial hearing. I told him that of course we had no objection to doing this if it were necessary, but that Mitchell would be represented by counsel, the colored minister would be there and he could be certain there would be an entourage and there would be adequate witnesses who could testify as to what took place. Furthermore, that after all, the judgment that took place would be a matter of record and that it seemed that the essence of the offenses was not at the hearing but at the arrest, and that we just could not see any good purpose to be served by our injecting ourselves into this, but, on the other hand, we would bring down upon the Department, the Attorney General and the Bureau the condemnation of the South for intermeddling in a local judicial proceeding, and that it simply was not necessary to get the information.

Rogers stated he was inclined to agree with us and pointed out that he thought that more and more it would be necessary to get into some of these dirty situations when there was no other way to get the information. Rogers stated that Olney had been calling him. He called Olney and Olney apparently was standing his ground, whereupon Rogers stated they should go up and see the Attorney General about it and asked Olney to meet him up there immediately. Rogers asked me to wait in his office.

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RECORDED
MAR 8 1956
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cc: Mr. Boardman
Mr. Belmont
Mr. Rosen

LBN [redacted]

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Memorandum to Mr. Tolson from L. B. Nichols

After approximately a half hour, Rogers returned to the office accompanied by Olney. He stated that the Attorney General was not in but they had talked to him on the telephone, and the Attorney General's position was if the evidence was necessary, then we should go ahead and get it. I then pointed out that the best evidence would be a transcription and I then asked why the Criminal Division did not immediately get in touch with the National Association for the Advancement of Colored People (NAACP) to insist that they have a transcription. Rogers agreed that this was the proper course of action, whereupon Olney called Caldwell and told Caldwell to call Pohlhaus of the Washington Bureau of the NAACP and suggest they get a transcript and the Department would buy a copy. It was accordingly agreed that the Bureau would make the investigation requested but would not attend the trial.

Upon returning to my office, the Director and Mr. Boardman were advised.

On leaving Rogers' office, Olney suggested that in the future when I get something like this that I contact him directly and that we could work such matters out between ourselves. I told Olney that I went to Rogers after our supervisors had already been to Caldwell and after Mr. Boardman had talked to him so that I thought no purpose would be served. Olney stated he saw no reason when we had strong feelings on anything why we should not be able to work the things out with each other. I told him "fine" and went on.